

SAFE DRINKING WATER ACT9-33-B. Administrative Penalty Under Part B: Agency Representation in the Hearings,
Negotiating and Signing of Consent Agreements and Appeals**1. AUTHORITY.**

- a. To represent the U.S. Environmental Protection Agency in civil penalty adjudications conducted under the penalty section of Part B of the Safe Drinking Water Act and 5 U.S.C. Section 554;
- b. To negotiate consent agreements between the EPA and respondents resulting from such enforcement actions;
- c. To sign consent agreements;
- d. To initiate appeals from administrative determinations; and
- e. To represent the agency in such appeals.

2. TO WHOM DELEGATED. Regional Counsel.**3. LIMITATIONS.**

- a. These authorities may be exercised only for cases initiated by the Region.
- b. Any official exercising authority 1.d. must obtain the concurrence of the assistant administrator for the Office of Enforcement and Compliance Assurance or designee and the director or designee, Enforcement and Compliance Assurance Division before initiating an appeal.
- c. Any official exercising this authority shall consult with the AA for OECA or designee and the ECAD director or designee any time he or she does not recommend an appeal of an adverse decision.

4. REDELEGATION AUTHORITY.

- a. This authority may be redelegated to the branch chief level, or equivalent, and no further, except that the authorities in 1.a., 1.b., and 1.e. may be redelegated to attorneys in assigned cases.
- b. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. ADDITIONAL REFERENCES.

- a. SDWA § 1414(g) (1) and (3).

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- b. SDWA § 1445.
- c. 40 C.F.R. Part 22.



Debra H. Thomas
Acting Regional Administrator

APR 29 2019

Date